

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
AT COLUMBUS**

GAREY E. LINDSAY, REGIONAL DIRECTOR  
OF THE NINTH REGION OF THE NATIONAL LABOR  
RELATIONS BOARD, FOR AND ON BEHALF OF THE  
NATIONAL LABOR RELATIONS BOARD

Petitioner

v.

Civil No. 2:16-mc-26  
Chief Judge Edmund A. Sargus, Jr.

AP GREEN INDUSTRIES, INC.

Respondent

**PETITIONER'S MOTION FOR VOLUNTARY DISMISSAL**

COMES NOW Counsel for the petitioner and respectfully moves the Court as follows:

Counsel for the petitioner, Garey E. Lindsay, Regional Director of the Ninth Region of the National Labor Relations Board, respectfully moves for the voluntary dismissal without prejudice of this case pursuant to Federal Rules of Civil Procedure 41(a)(2). In support thereof, petitioner states as follows:

1. On February 22, 2016, petitioner filed a petition pursuant to Section 10(j) of the National Labor Relations Act, as amended [61 Stat. 149; 73 Stat. 544; 29 U.S.C. §160(j)], herein called the Act, seeking to enjoin AP Green Industries, Inc, herein called respondent, from engaging in certain acts and conduct in violation of the Act, pending the final disposition of the matters involved currently pending before the National Labor Relations Board, herein called the Board.

2. Respondent and the Union entered into a Settlement Agreement on March 22, 2016, that resolves the issues underlying this action. Based on that Non-Board Settlement Agreement, which provides, *inter alia*, that employees shall be reinstated no later than April 18,

2016, petitioner conditionally approved a withdrawal of the underlying unfair labor practice charge on March 28, 2016.

3. As a result of the Settlement Agreement and withdrawal of the unfair labor practice charge, petitioner cancelled the hearing scheduled for April 12, 2016, before an administrative law judge of the National Labor Relations Board. Thus, the need for injunctive relief, as a matter of law, is obviated and extinguished, and petitioner seeks dismissal of the current matter, without prejudice, before this Court.

4. Accordingly, petitioner respectfully moves that this Court grant its Motion to voluntarily dismiss its petition without prejudice.

Dated at Cincinnati, Ohio this 28<sup>th</sup> day of March 2016.

/s/ Zuzana Murarova  
Zuzana Murarova, Trial Attorney #88431 (Ohio)  
Counsel for Petitioner  
Region 9, National Labor Relations Board  
3003 John Weld Peck Federal Building  
550 Main Street  
Cincinnati, Ohio 45202-3271  
Phone: (513) 684-3654  
E-Mail: zuzana.murarova@nlrb.gov

CERTIFICATE OF SERVICE

I hereby certify that on March 28, 2016, a true and correct copy of the foregoing Petitioner's Motion for Voluntary Dismissal has been served upon Respondent's counsel of record by the Court's ECF system.

/s/ Zuzana Murarova  
Zuzana Murarova, Trial Attorney #88431 (Ohio)  
Counsel for Petitioner  
Region 9, National Labor Relations Board  
3003 John Weld Peck Federal Building  
550 Main Street  
Cincinnati, Ohio 45202-3271  
Phone: (513) 684-3654  
Fax: (513) 684-3946